

REMARKS

The Office Action mailed November 30, 2004 and references cited therein have been reviewed. Applicants have amended claims 88, 89, 92-94, 100, 101, 104-107, 109-111, 114, 115, 135-145.

I. THE SECTION 102 REJECTIONS

The rejection of independent claim 88 and 114 were maintained by the Examiner. Applicants have amended independent claims 88 and 114 to clarify the structural components of the snowplow blade mount assembly in an effort to clearly distinguish the structure of the assembly from the cited prior art.

Claims 88 and 114 have been amended to clarify that the blade mount assembly comprises 1) a frame mount assembly, 2) a support assembly, and 3) a plow mount assembly. The frame mount assembly is designed to be substantially non-detachably mountable to a frame at a front end of a vehicle without connection to a front bumper of the vehicle. The support mount assembly is designed to at least partially support a lift mount assembly that is devised to at least partially lift at least a portion of the plow mount assembly. The plow mount assembly includes a frame structure designed to be connected to a snowplow blade at one end and the support mount assembly at another end. Claims 88 and 114 have also been amended to clarify that the plow mount assembly is detachably connected to the support assembly without having to partially or fully disconnect the support assembly from the frame mount assembly.

In addition to this clarification of the structure of the blade mount assembly defined in claims 88 and 114, these claims also require a) the frame mount assembly to be substantially non-detachably mountable to a frame at a front end of the vehicle without connection to a front bumper of the vehicle, b) the frame mount assembly to be positioned substantially below a bottom level of

the front bumper and behind a front surface of the front bumper when mounted to the vehicle, c) the support assembly to be detachably connected to a connection arrangement of the frame mount assembly, d) the connection arrangement at least partially positioned below the bottom level of the front bumper when said frame mount assembly is mounted to the vehicle, e) the connection arrangement fully securing the support assembly to the frame mount assembly, and f) the plow mount assembly being pivotally and detachably connectable to the support assembly. All these structural limitations are not disclosed in the cited references.

A. Malinowski

Claims 88-97, 100-104, 106, 114, 115, 117-119, 124, 133, 137, 138 and 140 were rejected under 35 U.S.C. §102(e) as being anticipated by Malinowski.

The Examiner again asserted that Figure 7 of Malinowski discloses a frame mount assembly as defined in the claims. One of the fundamental differences between the structure disclosed in Figure 7 and the blade mount assembly defined in the claims is that the plow mount assembly is detachably connected to the support assembly without having to partially or fully disconnect the support assembly from the frame mount assembly. Based on the structure of the blade mount assembly defined in the claims, side arms 44 is part of the support assembly and frame section 42 is part of the plow mount assembly. No other structure in Figure 7 of Malinowski could be interpreted otherwise. As illustrated in Figure 7, one end of frame section 42 is connected to socket 60, which is the frame mount of Malinowski. The connection of frame section 42 (plow mount assembly) to socket 60 (frame mount) is directly contrary to the structure of the blade mount assembly defined in claims.

As previously stated, claims 88 and 114 require the plow mount assembly to be detachably connected to the support assembly without having to partially or fully disconnect the support

assembly from the frame mount assembly. Frame section 42 and side arms 44 are pivotally connected together by latching bar 52 as illustrated in Figure 7. The latch bar is designed to be inserted into and secured in socket 60. As such, frame section 42 cannot be disconnected from side arm 44 without first disconnecting the side arm from socket 60. This arrangement is also contrary to the structure defined in claims 88 and 114.

Malinowski also includes disclosures and teachings with respect to the mount frame that are contrary to the structure of the frame mount defined in the present invention. Side plate 54 of the frame mount is partially secured to the side of the truck and extends above the bumper as shown in Figure 7. This is contrary to the required structure of the frame mount defined in the claims.

It is noted that the Examiner considered in the rejection that the frame mount of Malinowski includes structure 42. If structure 42 was considered part of the frame mount, then the plow mount assembly could not be pivotally connectable to the lift mount assembly. The only structure that meets this structural requirement is structure 42. It is noted that the Examiner may be attempting to argue that front section 14 is the plow mount assembly and is pivotally connected to the lift mount assembly hydraulic cylinder 46. If this is indeed the Examiner's position, then hydraulic cylinder 46 is not connected to the frame mount assembly unless side arms 44 were also considered part of the frame mount assembly, which interpretation would result in several other features of the claimed invention not being met.

For at least the reasons set forth above, Malinowski does not anticipate or make obvious any of the claims pending in the above-identified patent application.

B. Behrens

Claims 88-105, 107, 108, 112, 114, 115, 117-119, 124, 133, 137 and 140 were rejected under 35 U.S.C. §102(b) as being anticipated by Behrens.

The Examiner again asserted that Behrens discloses a snowplow blade mount having all of the claimed structural components. Behrens has similar deficiencies as Malinowski as discussed above. Lift arm 40 is the support assembly and support frame 32 is the plow mount assembly, and mount 26 is the frame mount assembly. No other structure in Behrens could be interpreted otherwise. The lift arm and support frame are pivotally connected together at pivot 42. Pivot 42 is connectable to pivot 43 on the mount 26. As such, both the lift arm and support frame are connected to the frame mount. This connection arrangement is directly contrary to the structure of the blade mount assembly defined in the claims.

As previously stated, claims 88 and 114 require the plow mount assembly to be detachably connected to the support assembly without having to partially or fully disconnect the support assembly from the frame mount assembly. The support frame 32 cannot be disconnected from the lift arm 40 without first disconnecting pivot 42 from pivot 43 and thereby disconnecting the lift arm from mount 26. This arrangement is also contrary to the structure defined in claims 88 and 114.

It is noted that the Examiner asserted that the claims do not require the support assembly to be spaced forwardly of the frame mount assembly. Actually, the claims require that the plow mount assembly be spaced forwardly from the frame assembly when the support assembly is pivotally connected to the frame mount assembly. This limitation is included in claim 88 and in dependent claims 144 and 145. As set forth above, this limitation is not met by the structure defined and disclosed in Behrens.

For at least the reasons set forth above, Behrens does not anticipate or make obvious any of the claims pending in the above-identified patent application.

II. THE SECTION 103 REJECTIONS

A. Malinowski in view of Pieper

Claims 109 and 139 were rejected under 35 U.S.C. §103(a) as being unpatentable over Malinowski in view of Pieper. As set forth above, Malinowski discloses and teaches a fundamentally different structure for a plow mount assembly from the one defined in the pending claims. Applicants submit that the combination of Pieper with Malinowski does not make obvious any of the pending claims.

Pieper discloses a plow mount assembly that includes an A-frame 42 (plow mount assembly), a lift frame 44 (support assembly) and mount frame 28 (frame mount). The A-frame 42 is pivotally connected to the lift frame by pin 86. Pin 86 is also used to connect the lift frame and the A-frame to the mount frame. As discussed above, this connection arrangement is directly contrary to the structure of the blade mount assembly defined in the claims. In addition, the A-frame cannot be disconnected from the lift frame prior to the lift frame being fully or partially disconnected from the mount frame. This is also directly contrary to the structure of the blade mount assembly defined in the claims.

For at least these reasons, Pieper in combination with Malinowski does not make obvious any of the claims pending in the present invention.

Pieper also includes disclosures and teachings with respect to the mount frame that are also contract to the structure of the frame mount defined in the present invention. Plate 36 of the frame mount is partially secured to the side of bumper 24 as shown in Figure 1. This is contrary to the required structure of the frame mount defined in the claims. For at least this additional reason, Pieper in combination with Malinowski does not make obvious any of the claims pending in the present invention.

B. Malinowski

Claims 121, 122, 124-128, 134 and 135 were rejected under 35 U.S.C. §103(a) as being unpatentable over Malinowski. As set forth above, Malinowski discloses a structurally different snowplow blade mount assembly from the one defined in the pending claims. As such, the invention defined in claim 114 and all the claims dependent therefrom are not obvious in view of Malinowski.

The Examiner stated that official notice was taken regarding the use of removable pins and pin clips. Applicants admit that pins and pin clips are not new; however, Applicants submit that the pins and/or pin clips defined in claims 121, 122 and 124-128 in combination with the structural limitations in the claims that such claims depend therefrom result in the patentability of claims 121, 122 and 124-128.

Claims 134 and 135 include the limitation that the connection arrangement includes at least two engagement arrangements, and that each engagement arrangement is designed to at least partially telescopically receive at least a portion of the support assembly. Malinowski discloses that a pin 52 is received in socket 60; however, the pending claims exclude connection pins that connect the support assembly to the frame mount assembly as being part of the support assembly. Such connectors are defined as being part of the frame mount assembly.

Applicants submit that the teaching and disclosure of Malinowski do not make obvious any of the pending claims.

C. Behrens

Claims 121, 122, 124-128, 134, 135, 141 and 144 were rejected under 35 U.S.C. §103(a) as being unpatentable over Behrens. As set forth above, Behrens discloses a structurally different snowplow blade mount assembly from the one defined in the pending claims. As such, the invention defined in claim 114 and all the claims dependent therefrom are not obvious in view of Behrens.

The Examiner stated that official notice was taken regarding the use of removable pins and pin clips. Applicants admit that pins and pin clips are not new; however, Applicants submit that the pins and/or pin clips defined in claims 121, 122 and 124-128 in combination with the structural limitations in the claims that such claims depend therefrom result in the patentability of claims 121, 122 and 124-128.

Claims 134 and 135 include the limitation that the connection arrangement includes at least two engagement arrangements, and that each engagement arrangement is designed to at least partially telescopically receive at least a portion of the support assembly. Behrens discloses that a pivot 42 is secured to pivot 43; however, the pending claims exclude pivots or connection pins that connect the support assembly to the frame mount assembly as being part of the support assembly. Such connectors are defined as being part of the frame mount assembly.

Claim 144 requires that the plow mount assembly be spaced forwardly from said frame assembly when the support assembly is pivotally connected to the frame mount assembly. As illustrated in Figure 1 of Behrens, the plow mount assembly (32) is designed to be directly connected to the frame mount assembly (26).

Applicants submit that the teaching and disclosure of Behrens do not make obvious any of the pending claims.

D. Behrens in view of Pieper

Claims 109, 139, 142, 143 and 145 were rejected under 35 U.S.C. §103(a) as being unpatentable over Behrens in view of Pieper. Pieper was cited for the disclosure that the support assembly includes an auxiliary light. As set forth above, the structure of Behrens and Pieper are fundamentally different from the structure defined in the pending claims. As such, the combination of these references cannot support a rejection of any of the pending claims.

Claim 145 includes the limitation that the plow mount assembly is spaced forwardly from the frame assembly when the support assembly is pivotally connected to the frame mount assembly. As discussed above, neither Behrens nor Pieper disclose or teach this structural limitation.

Applicants submit that the teaching and disclosure of Behrens in view of Pieper do not make obvious any of the pending claims.

E. Behrens in view of Willis

Claims 110, 111 and 113 were rejected under 35 U.S.C. §103(a) as being unpatentable over Behrens in view of Willis. Willis was cited in combination with Behren as teaching features associated with a snowplow blade. As discussed above, Behrens does not disclose or teach the structural limitations of a snowplow blade mount as defined in the claims. Willis is absent any teaching with respect to a frame mount assembly, a support assembly or a plow mount assembly as defined in the pending claims. As such, Willis in combination with Behrens cannot make obvious any of the pending claims.

F. Malinowski in view of Willis

Claim 110 was rejected under 35 U.S.C. §103(a) as being unpatentable over Malinowski in view of Willis. Willis was cited in combination with Malinowski as teaching features associated with a snowplow blade. As discussed above, Malinowski does not disclose or teach the structural limitations of a snowplow blade mount as defined in the claims. Willis is absent any teaching with respect to a frame mount assembly, a support assembly or a plow mount assembly as defined in the pending claims. As such, Willis in combination with Malinowski cannot make obvious any of the pending claims.

Applicants submit the claims presently pending in the above-identified patent application are in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

ROBERT V. VICKERS

Reg. No. 19,504

1100 Superior Avenue, Seventh Floor

Cleveland, Ohio 44114-2579

Telephone: (216) 861-5582

Facsimile: (216) 241-1666